In the High Court of Judicature at Madras

Dated: 22.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice S.TAMILVANAN

Writ Petition Nos.6500 of 1998, 3712 and 11461 of 2002,
12557 and 16714 of 2003

Sree Shyamsayi Corporation,
No.15, Whites Road,
Chennai-600 014
represented by its Partner ..Petitioner in W.P.No. 6500 of 1998

N.Savithri ..Petitioner in W.P.No. 12557 of 2003

..vs..

1. Chennai Metropolitan Development Authority, rep.by its Member Secretary, No.8, Gandhi Irwin Salai, Chennai-600 008.

2. Chennai Metropolitan Water Supply and Sewerage Board, reptd.by its Chairman and Managing Director, Chennai-600 002. ..Respondents in W.P.Nos. 6500/98 & 12557/2003

M/s.Sivasakthi Trust
rep.by its Managing Trustee
Mr.C.Surendran,
S/o.M.Chandrasekara Mudaliar,
having their office at
No.93, Sydenhams Road,
Chennai-600 003. ..Petitioner in W.P.No.3712/2002

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Rajendra R.Mehta ..Petitioner in
W.P.No.11461/2002

Radha Devi ..Petitioner in
W.P.No.16714/2003

..vs..

1. State of Tamil Nadu,
rep.by Secretary to Government,
Housing and Urban Development Dept.,
Fort St.George, Channai-9.

2. Member Secretary,
Chennai Metropolitan
Development Authority,
No.1, Gandhi Irwin Salai,
Chennai-600 008.

2. Chennai Metropolitan Water
Supply and Sewerage Board,
reptd.by its Chairman and
Managing Director,
1, Pumping Station Road,
Chennai-600 002. ..Respondents in
W.P.Nos.3712 and
11461 of 2002 &
16714 of 2003

W.P.No.6500 of 1998:
Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records comprised in the Proceedings of the 1st respondent in Lr.No.C3/27198/97 dated 17.4.98 and quash the same in so far as it pertains to afresh levy of infrastructural development charges of Rs.18,51,000/-; development charges of Rs.4,85,000/-; scrutiny fee of Rs.58,000/- and display deposit of Rs.10,000/- without reference to the charges including infrastructural development charges etc.already paid by the petitioner and consequently issue a Mandamus directing the 1st respondent to forthwith consider and grant planning permission of the petitioner based on the payments already made including infrastructural development charges, development charges, furnishing of bank guarantee pursuant to the orders of this Court.

W.P.No.3712 of 2002: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Lr.No.C3/13811/2001 dated 21.12.2001 received on 28.12.2001 and quash the

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same in so far as it relates to payment of infrastructural development charges and consequently direct the respondents to grant planning permission for construction of dwelling units at No.93, Sydenhams Road, Chennai-600 003, without insisting on infrastructural improvement charges.

W.P.No.11461 of 2002: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records comprised in the Proceedings of the 2nd respondent in Lr.No.B2/38898/01 dated 28.03.2002 and quash the same in so far as it relates to payment of infrastructural improvement charges and consequently direct the grant of planning permission for construction of dwelling units at Vembuliamman Koil Street, T.S.No.67,69,70,71/2, Block No.36, Virugambakkam, Chennai without insisting on infrastructural improvement charges.

W.P.No.12557 of 2003: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned letter of 1st respondent vide letter No.C3/30704/2002 dt.03.04.2003 and to quash the same and directing the 1st respondent to release the planning permission approval to the petitioner vide their approval No.C3/30704/2003 dated 03.04.2003 forthwith.

W.P.No.16714 of 2003: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Lr.No.C3/17019/2002 dated 03.04.2003 and quash the same in so far as it relates to payment of infrastructural improvement charges and consequently direct the respondents to grant planning permission for construction of commercial office space at Door No.156, Poonamallee High Road, Chennai, without insisting on infrastructural improvement charges.

For Petitioners : Mr.Satish Parasaran (W.P.6500/98 and 11461/02)
Mr.S.Sundaresan (W.P.12557/2003)
Mr.Venkatasubramanian(W.P.161714 of 2003 and 3712/2002)

For Respondents : Mr.S.Ramasamy, AAG-II assisted by
Mr.K.Elango, Spl.G.P., for State

Mr.J.Ravindran for CMDA

Mr.N.Duraikannan for Metro Water

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COMMON ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

It is not in dispute that the present writ petitions are liable to be dismissed in the light of our order dated 20.12.2006 made in W.P.Nos.34702 of 2006 etc., batch, upholding the stand taken by the Chennai Metropolitan Development Authority and the Chennai Metropolitan Water Supply and Sewerage Board. Accordingly, these writ petitions are dismissed on the same terms. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Government,
   Housing & Urban Development Department,
   Chennai-600 009.

2. The Member Secretary,
   Chennai Metropolitan
   Development Authority,
   Thalamuthu Natarajan Building,
   No.1, Gandhi Irwin Road,
   Chennai-600 008.

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3. The Chairman
   Chennai Metropolitan Water
   Supply and Sewerage Board
   No.1 Pumping Station Road
   Chennai 2.

+ 1 CC To Mr. Satish Parasaran, Advocate SR NO. 64763

+ 1 CC To Mr. J.Ravindran, Advocate SR NO. 64923

+ 1 CC To Mr. Satish Parasaran, Advocate SR NO. 64764

Common Order in Writ Petition Nos.6500/98,3712 & 11461/02 and 12557 and 16714/03

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